

# HOUSE BILL 1418

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2lr3379

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By: **Delegates Anderson, Alston, Carter, Simmons, Valentino-Smith, Vallario,  
and Waldstreicher**

Introduced and read first time: February 29, 2012

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, March 16, 2012

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Committee Report: Favorable

House action: Adopted

Read second time: March 19, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Procedure – Coram Nobis – Failure to Seek Appeal**

3 FOR the purpose of providing that the failure to seek an appeal in a criminal case may  
4 not be construed as a waiver of the right to file a petition for writ of error coram  
5 nobis; and generally relating to coram nobis.

6 BY adding to

7 Article – Criminal Procedure

8 Section 8–401 to be under the new subtitle “Subtitle 4. Coram Nobis” and the  
9 amended title “Title 8. Other Postconviction Review”

10 Annotated Code of Maryland

11 (2008 Replacement Volume and 2011 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Criminal Procedure**

15 Title 8. [Sentence Review.] **OTHER POSTCONVICTION REVIEW.**

16 **SUBTITLE 4. CORAM NOBIS.**

17 **8–401.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1           **THE FAILURE TO SEEK AN APPEAL IN A CRIMINAL CASE MAY NOT BE**  
2 **CONSTRUED AS A WAIVER OF THE RIGHT TO FILE A PETITION FOR WRIT OF**  
3 **ERROR CORAM NOBIS.**

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2012.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.